

Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Sixteenth Meeting Day

Thursday Afternoon

February 8, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for health and well-being (printed January 11, 2007).

The Pledge of Allegiance to the Flag was led by Representative Steven R. Stemler.

The Speaker ordered the roll of the House to be called:

Austin Gutwein E. Harris Avery Bardon T. Harris Herrell Battles Behning Hinkle Bell Hoy Bischoff Kersey Borders Klinker Borror Knollman Bosma Koch C. Brown Kuzman T. Brown L. Lawson Buck Lehe Buell Leonard Burton Lutz Candelaria Reardon Mays Cheatham McClain Cheney Micon Cherry Moses Cochran Murphy Crawford Neese Crooks Niezgodski Crouch Noe Davis Orentlicher Day Oxley Pelath Dembowski Denho Pflum Dermody Pierce Pond Dickinson Dobis Porter Dodge Reske Duncan Richardson Dvorak Ripley Eberhart Robertson Elrod Ruppel Espich Saunders Foley M. Smith Friend V. Smith Frizzell Soliday Fry Stemler GiaQuinta Stevenson

Stilwell

Stutzman

Goodin

Grubb

Summers
Ulmer
VanHaaften
Thomas
VanHaaften
Walorski
Tincher
Welch
Torr
Whetstone
Turner
Wolkins
Tyler
Mr. Speaker

Roll Call 74: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: A indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 12, 2007, at 1:30 p.m.

PELATH

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1127, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 16-18-2-88.5" and insert "IC 16-18-2-167.5".

Page 1, line 3, delete "88.5. "Covered entity"," and insert "167.5. "Health plan",".

Page 1, line 15, delete ""covered entity"" and insert ""health

Page 2, line 2, delete "covered entity" and insert "health plan".

Page 2, line 4, delete "covered entity, the covered entity" and insert "health plan, the health plan".

Page 2, line 8, delete "covered entity" and insert "health plan".

Page 2, line 12, delete "covered entity" and insert "health plan".

Page 2, line 15, delete "covered entity" and insert "health

Page 2, line 16, delete "covered entity" and insert "health

Page 2, line 21, delete "covered entity" and insert "health nlan"

Page 2, line 25, delete "covered entity" and insert "health

Page 2, line 29, delete "covered entity" and insert "health

Page 2, line 30, delete "covered entity." and insert "health

Page 2, line 35, delete "covered entity" and insert "health

Page 3, line 8, delete "covered entity" and insert "health

(Reference is to HB 1127 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1158, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1159, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, delete lines 34 through 42.

Page 8, delete line 1.

Page 8, line 26, delete "do the following:" and insert "comply with subdivision (1) or subdivision (2):".

Page 8, line 27, after "(1)" insert "**Do all of the following:** "(A)".

Page 8, line 29, delete "(A)", begin a new line triple block indented and insert:

"(i)".

Page 8, line 34, delete "(B)", begin a new line triple block indented and insert:

"(ii)".

Page 8, line 39, delete "(2)", begin a new line double block indented and insert:

"(B)".

Page 8, line 39, delete "subdivision (3)," and insert "clause (C),".

Page 8, line 40, delete "subdivision (1)" and insert "clause (A)".

Page 9, line 1, delete "(3)", begin a new line double block indented and insert:

"(C)".

Page 9, line 2, delete "subdivision (1)" and insert "clause (A)".

Page 9, between lines 4 and 5, begin a new line block indented and insert:

"(2) Do all of the following:

(A) Specify in an agreement with a provider under this chapter that the logo or other identifying symbol of the preferred provider plan will be placed on the health benefit card of each individual who has access to the provider and associated discount through the agreement.

(B) Require any person, including an insurer, a third party administrator, an affiliate of the preferred provider plan, or another preferred provider plan to place the logo or other identifying symbol of the preferred provider plan on the health benefit card of each individual who has access to the preferred provider plan's providers and associated discounts. (C) Obtain a provider's express written consent before the preferred provider plan modifies the fee schedule, discount, or other benefit agreed to by the provider with the preferred provider plan."

Page 9, delete lines 17 through 19.

Renumber all SECTIONS consecutively.

(Reference is to HB 1159 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1167, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 15, nays 1.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1198, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 12 through 35, begin a new paragraph and insert:

"SECTION 3. IC 9-20-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The maximum length limitations for buses are as follows:

- (1) For an articulating bus used for public transportation purposes, sixty-five (65) feet.
- (2) For a conventional school bus, thirty-eight (38) feet.
- (3) (2) For a transit school bus, forty-two (42) feet.
- (4) (3) For all others, forty-five (45) feet.".

(Reference is to HB 1198 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1220, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, reset in roman"each county".

Page 1, line 3, delete "all".

Page 1, line 4, delete "counties".

Page 1, line 4, after "chapter" insert "and may contract".

Page 1, line 5, strike "the" and insert "a".

Page 1, line 6, before "prosecuting" strike "the" and insert "a".

Page 1, line 9, strike "the" and insert "a".

Page 1, line 11, reset in roman "The contracts entered into by the division".

Page 1, line 11, delete "Agreements to".

Page 1, line 12, delete "provide coverage for services required".

Page 1, after line 14, begin a new paragraph and insert:

"(c) A prosecuting attorney who is contracted to provide services under this section may perform services under this chapter in any county.

SECTION 2. IC 33-39-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. Except as provided in IC 12-10-3-7(c) and IC 12-15-23-6(d), the prosecuting attorneys, within their respective jurisdictions, shall:

- (1) conduct all prosecutions for felonies, misdemeanors, or infractions and all suits on forfeited recognizances;
- (2) superintend, on behalf of counties or any of the trust funds, all suits in which the the counties or trust funds may be interested or involved; and
- (3) perform all other duties required by law.".

(Reference is to HB 1220 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1237, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 9.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1288, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 23, delete "students." and insert "students for each school within the school corporation.".

Page 3, line 27, after "year," insert "each school that has an enrollment of at least five hundred (500) students within".

(Reference is to HB 1288 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 23-14-48-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A perpetual care fund shall be established under this chapter as follows:

- (1) In the case of a cemetery for earth burials, by the application and payment to the perpetual care fund of an amount at least equal to:
 - (A) fifteen percent (15%) of the sale price; or
- (B) eighty cents (\$0.80) per square foot of area; of each burial plot sold or transferred, whichever is greater.
- (2) In the case of a community or public mausoleum, or community or public garden crypt, by the application and payment to the perpetual care fund of an amount at least equal to:
 - (A) eight percent (8%) of the sale price; or
 - (B) one hundred dollars (\$100) per crypt sold or transferred;

whichever is greater.

- (3) In the case of a community columbarium, by the application and payment to the perpetual care fund of an amount at least equal to twenty dollars (\$20) per niche sold or transferred.
- (b) From the sale price, any payment on the sale price, or in a nonmonetary transfer, the owner shall pay an amount in proportion to the requirements of subsection (a)(1) through (a)(3) to the care fund. The payment must be in cash and shall be deposited with the custodian or trustee of the fund:
 - (1) not more than thirty (30) days after the end of the month in which payments on the sale are received; or
 - (2) not more than thirty (30) days after the end of the month in which there was a transfer which did not involve a sale.
- (c) The payments required by this section are required to be paid only on the original sale or transfer and not again for any subsequent resale or transfer of the same ground interment rights, crypt, or niche.

(d) The custodian or trustee of a fund established under this chapter must keep the fund segregated from any other fund or account belonging to the owner of the cemetery.1

SECTION 2. IC 23-14-48-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Not more than ninety (90) days after the end of the fiscal year of a cemetery to which this chapter applies, the custodian or trustee of the perpetual care fund of the cemetery shall prepare and file with the owner of the cemetery a detailed accounting and report of the perpetual care fund for the preceding fiscal year. The report:

- (1) must include, among other things, a properly itemized listing of the securities in which the funds are invested; and (2) shall be available for inspection and copying at all times by any owner of or holder of a burial right in the cemetery at the usual place at which the regular business of the cemetery is transacted.
- (b) Not more than one hundred five (105) days after the end of the fiscal year of a cemetery to which this chapter applies, the custodian or trustee of the perpetual care fund of the cemetery shall file the report required under subsection (a) with the state board of funeral and cemetery service.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1305 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "July" and insert "January".

Page 1, line 3, delete "2007," and insert "2008,".

(Reference is to HB 1359 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1378, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "JULY 1, 2007]:" and insert

"JANUARY 1, 2008]:".

Page 10, line 28, delete "If the policy does not provide coverage for hospital,".

Page 10, line 29, delete "medical, or surgical expenses, a" and insert "A".

Page 10, between lines 33 and 34, begin a new paragraph and insert:

"The policy provision under this subdivision may not be used with respect to a policy that provides coverage for hospital, medical, or surgical expenses.".

Page 11, delete lines 26 through 35.

Page 11, line 36, delete "JULY 1, 2007]" and insert "JANUARY 1, 2008]"

Page 11, line 37, delete "and IC 27-8-5-28, as added by this act, apply" and insert "applies".

Page 11, line 39, delete "June 30, 2007." and insert "December 31, 2007.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1378 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 4.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1457, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 2, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "commission" refers to the prenatal substance abuse commission established by subsection (b).

- (b) The prenatal substance abuse commission is established to develop and recommend a coordinated plan to improve early intervention and treatment for pregnant women who abuse alcohol or drugs or use tobacco.
 - (c) The commission consists of the following members:
 - (1) The state health commissioner or the commissioner's designee.
 - (2) The director of the division of mental health and addiction or the director's designee.
 - (3) The director of the office of Medicaid policy and planning or the director's designee.
 - (4) The director of the department of child services or the director's designee.
 - (5) One (1) physician specializing in addiction treatment of pregnant women.
 - (6) One (1) physician specializing in the care of pregnant women.
 - (7) One (1) social worker certified in the treatment of alcohol, tobacco, and other drug abuse.
 - (8) One (1) woman who has received treatment for alcohol, tobacco, or other drug abuse during pregnancy.
 - (9) One (1) advocate recommended by the March of Dimes, Indiana Chapter.
 - (10) One (1) prosecuting attorney or a deputy prosecuting attorney who practices in a drug court

established under IC 12-23-14.5.

- (11) One (1) judge of a drug court established under IC 12-23-14.5.
- (12) Two (2) members of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (13) Two (2) members of the senate. The members appointed under this subdivision may not be members of the same political party.

The speaker of the house of representatives shall appoint the members under subdivisions (5), (7), (9), (10), and (12) not later than August 15, 2007. The president pro tempore of the senate shall appoint the members under subdivisions (6), (8), (11), and (13) not later than August 15, 2007. Vacancies shall be filled by the appointing authority for the remainder of the unexpired term.

- (d) A majority of the members of the commission constitutes a quorum.
- (e) The state department of health shall provide staff and administrative support for the commission.
- (f) The state health commissioner or the commissioner's designee shall convene the first meeting of the commission before October 15, 2007. The commission shall elect a member of the commission to serve as chairperson of the commission. The commission shall meet at the call of the chairperson and shall meet as often as necessary to carry out the purpose of this SECTION. However, the commission shall meet not less than quarterly.
- (g) Members of the commission are not entitled to a salary per diem or reimbursement of expenses for service on the
- (h) The affirmative votes of a majority of the commission's members are required for the commission to take action on any measure.
- (i) The commission shall submit reports to the governor and the legislative council as follows:
 - (1) Not later than August 15, 2008, an interim report that contains any interim findings and recommendations of the commission.
 - (2) Not later than August 15, 2009, a final report that contains the findings and recommendations of the commission and an implementation plan to improve early intervention and treatment for pregnant women who abuse alcohol or drugs or use tobacco.

The reports required under this subsection must be submitted in an electronic format under IC 5-14-6.

(j) This SECTION expires December 31, 2009.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1457 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1479, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 3.

Page 5, line 16, reset in roman "six (6)".

Page 5, line 16, delete "twelve (12)".

Page 6, line 2, reset in roman "six (6)".

Page 6, line 2, delete "twelve (12)".

Page 6, delete lines 41 through 42.

Page 7, delete lines 1 through 15. Renumber all SECTIONS consecutively.

(Reference is to HB 1479 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1633, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1811, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-28-2-6, AS ADDED BY P.L.246-2005, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties set forth in IC 20-20-22 or this article, the advisory board may adopt rules under IC 4-22-2 to do the following:

- (1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.
- (2) Approve or disapprove teacher preparation programs, based on national and international standards for effective teaching.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing concerning new subjects of study.
- (7) Evaluate work experience and military service concerning higher education and experience equivalency.
- (8) Perform any other action that:
 - (A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and
 - (B) attracts qualified candidates for teacher education from among the high school graduates of Indiana.
- (9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.
- (10) Set standards for effective teaching and effective professional development programs concerning benchmarks for math and science teachers that are aligned with national and international teacher preparation standards.
- (b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.
- (c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of

the intent to adopt the rule.

SECTION 2. IC 20-20-31-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) The department, in collaboration with the commission for higher education, shall identify and coordinate state and federal professional development funds to be used to develop math and science high school curriculums that:

- (1) focus on engineering and biosciences; and
- (2) are aligned with programs under IC 20-30-11, IC 20-30-11.5, and IC 20-30-12.
- (b) The department shall disseminate the necessary information to school corporations.

SECTION 3. IC 20-30-7-5, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A school corporation may enter into an agreement with:

- (1) another school corporation;
- (2) an accredited nonpublic school; or
- (3) both entities described in subdivisions (1) and (2);
- to offer a joint summer school program for high school students.
- (b) The department, in collaboration with the commission for higher education, shall identify and coordinate state and federal math and science curriculum and instruction funds to be used to fund programs developed under this section. Schools that have student populations that have been historically underserved in math, science, or engineering dual credit programs shall be given priority in awarding funds.

SECTION 4. IC 20-30-5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. For grades 6 through 8, the department, in consultation with the commission for higher education, shall identify and disseminate information concerning effective practices for science curriculum and instruction to each school corporation.

(Reference is to HB 1811 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1821, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 29, delete ""Occupational" and insert ""Practice of occupational".

Page 8, line 30, after "therapy" insert """.

Page 8, line 30, reset in roman "means the functional assessment of learning and performance".

Page 8, reset in roman lines 31 through 41.

Page 8, line 42, reset in roman "living tasks and to prevent further disability.".

Page 8, line 42, delete "service" refers to".

Delete pages 9 through 10.

Page 11, delete lines 1 through 27.

Page 12, line 28, delete "and".

Page 12, line 29, after "IC 25-35.6-1-2)" insert ", and chiropractic (as defined in IC 25-10-1-1)".

Page 13, line 11, after "IC 25-22.5" insert "or a chiropractor licensed under IC 25-10".

Renumber all SECTIONS consecutively. and when so amended that said bill do pass.

(Reference is to HB 1821 as introduced.) Committee Vote: yeas 9, nays 0.

C. BROWN, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1042

Representative Orentlicher called down House Bill 1042 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1042-5)

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 1, line 14, delete "at least eighteen".

Page 1, line 15, delete "(18) years of age but".

Page 2, delete lines 4 through 8, begin a new paragraph and insert:

"(c) The application form for a driver's license or driver's license renewal shall contain the following statement:

"Failure to register with the Selective Service System in compliance with the requirements of the federal Military Selective Service Act, 50 U.S.C. App. 451 et seq., is a felony and is punishable by up to five (5) years imprisonment and a two hundred fifty thousand dollar (\$250,000) fine. Failure to register may also render you ineligible for certain federal benefits, including student financial aid, job training, and United States citizenship for male immigrants."".

Page 2, line 9, delete "(c)" and insert "(d)".

Page 2, line 14, delete "(d)" and insert "(e)".

Page 2, line 17, delete "(e)" and insert "(f)".

(Reference is to HB 1042 as printed January 24, 2007.)

ORENTLICHER

Motion prevailed.

HOUSE MOTION (Amendment 1042–3)

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-16-1-7, AS AMENDED BY P.L.156-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.

- (b) On each general, municipal, primary, and special election day (as defined in IC 3-5-2-18), all license branches that provide state identification cards must remain open from 6:00 a.m., local time, to 6:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.
- (c) On the day before each general, municipal, primary, and special election day (as defined in IC 3-5-2-18), all license branches that provide state identification cards must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, may conduct business solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.
 - (d) The commission shall:
 - (1) designate another day as time off; or
 - (2) authorize overtime pay;

for license branch personnel required to work on an election day. SECTION 2. IC 9-16-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. Except as provided in section 7(b) of this chapter, a license branch or a full service contractor under section 4 of this chapter shall remain open

from:

(1) 8:00 a.m., local time, to 8:00 p.m., local time, on Monday through Friday; and

(2) 8:00 a.m., local time, to 5:00 p.m., local time, on Saturday.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1042 as printed January 24, 2007.)

TURNER

Motion prevailed.

HOUSE MOTION (Amendment 1042–1)

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 2, line 17, delete "2008." and insert "**2009.**". (Reference is to HB 1042 as printed January 24, 2007.)

RUPPEL

Motion failed. The bill was ordered engrossed.

House Bill 1060

Representative Avery called down House Bill 1060 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1060–2)

Mr. Speaker: I move that House Bill 1060 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1.IC 5-10.2-4-3, AS AMENDED BY P.L.2-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Except as provided in subsection (f), (h), in computing the retirement benefit for a nonteacher member, "average of the annual compensation" means the average annual compensation calculated using the twenty (20) calendar quarters of service in a position covered by the retirement fund before retirement in which the member's annual compensation was the highest. However, in order for a quarter to be included in the twenty (20) calendar quarters, the nonteacher member must have performed service throughout the calendar quarter. All twenty (20) calendar quarters do not have to be continuous but they must be in groups of four (4) consecutive calendar quarters. The same calendar quarter may not be included in two (2) different groups.

- (b) This subsection does not apply to a teacher member described in subsection subsections (c) and (d). In computing the retirement benefit for a teacher member, "average of the annual compensation" means the average annual compensation for the five (5) years of service before retirement in which the member's annual compensation was highest. In order for a year to be included in the five (5) years, the teacher member must have received for the year credit under IC 5-10.4-4-2 for at least one-half (½) year of service. The five (5) years do not have to be continuous.
- (c) This subsection applies to a member of the Indiana state teachers' retirement fund who serves in an elected position for which the member takes an unpaid leave of absence. In computing the retirement benefit for a teacher member described in this subsection for years of service to which IC 5-10.4-5-7 does not apply, "average of the annual compensation" means the annual compensation for the one (1) year of service before retirement in which the member's annual compensation was highest. In order for a year to be used, the teacher member must have received for the year credit under IC 5-10.4-4-2 for at least one-half (½) year of service.
- (d) This subsection applies to a teacher member that begins to receive service credit as a teacher after July 1, 2007. In computing the retirement benefit for a teacher member, "average of the annual compensation" means the average of the annual state average compensation, as defined

in subsection (f), for the five (5) years of service before the member's retirement in which the annual state average compensation for teachers was highest. In order for a year to be included in the five (5) years, the teacher member must have received for the year credit under IC 5-10.4-4-2 for at least one-half (½) year of service. The five (5) years do not have to be continuous.

(d) (e) Subject to IC 5-10.2-2-1.5, "annual compensation" means:

- (1) the basic salary earned by and paid to the member plus the amount that would have been part of that salary but for:
 - (A) the state's, a school corporation's, a participating political subdivision's, or a state educational institution's (as defined in IC 20-12-0.5-1) paying the member's contribution to the fund for the member; or
 - (B) the member's salary reduction agreement established under Section 125, 403(b), or 457 of the Internal Revenue Code; and
- (2) in the case of a member described in subsection (c) and for years of service to which IC 5-10.4-5-7 does not apply, the basic salary that was not paid during the year but would have been paid to the member during the year under the member's employment contracts, if the member had not taken any unpaid leave of absence to serve in an elected position.

The portion of a back pay award or a similar award that the board determines is compensation under an agreement or under a judicial or an administrative proceeding shall be allocated by the board among the years the member earned or should have earned the compensation. Only that portion of the award allocated to the year the award is made is considered to have been earned during the year the award was made. Interest on an award is not considered annual compensation for any year.

- (f) As used in this section, "annual state average compensation" equals:
 - (1) the total statewide compensation paid to teachers during a calendar year; divided by
 - (2) the total number of teachers in Indiana during the calendar year provided in subdivision (1).
- (e) (g) Compensation of not more than two thousand dollars (\$2,000) received from the employer in contemplation of the member's retirement, including severance pay, termination pay, retirement bonus, or commutation of unused sick leave or personal leave, may be included in the total annual compensation from which the average of the annual compensation is determined, if it is received:
 - (1) before the member ceases service; or
 - (2) within twelve (12) months after the member ceases service.
- (f) (h) This subsection applies to a member of the general assembly:
 - (1) who is a participant in the legislators' retirement system established under IC 2-3.5;
 - (2) who is also a member of the public employees' retirement fund or the Indiana state teachers' retirement fund; and
 - (3) whose years of service in the general assembly may not be considered in determining the average of the annual compensation under this section, as provided in IC 2-3.5-1-2(b)(2) or IC 2-3.5-3-1(c).

The board shall use the board's actuarial salary increase assumption to project the salary for any previous year needed to determine the average of the annual compensation.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1060 as printed February 6, 2007.)

THOMPSON

After discussion, Representative Thompson withdrew the motion.

HOUSE MOTION

(Amendment 1060-1)

Mr. Speaker: I move that House Bill 1060 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions and to make an appropriation.

Page 1, after line 17, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2007] There is appropriated to the Indiana state teachers' retirement fund twenty-three million six hundred eighty-seven thousand nine hundred eighty-two dollars (\$23,687,982) from the state general fund for its use in carrying out the purposes of IC 5-10.2-5-42 (as added by this act) beginning July 1, 2007, and ending June 30, 2008. The Indiana state teachers' retirement fund shall deposit the money appropriated by this SECTION as follows:

- (1) In the pre-1996 account, twenty-three million four hundred twenty-one thousand six hundred fifty dollars (\$23,421,650).
- (2) In the 1996 account, two hundred sixty-six thousand three hundred thirty-two dollars (\$266,332).".

Renumber all SECTIONS consecutively.

(Reference is to HB 1060 as printed February 6, 2007.)

ESPICH

Upon request of Representatives Espich and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 75: yeas 48, nays 49. Motion failed. The bill was ordered engrossed.

House Bill 1426

Representative Austin called down House Bill 1426 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1426–1)

Mr. Speaker: I move that House Bill 1426 be amended to read as follows:

Page 2, line 5, after "5." insert "(a)".

Page 2, line 7, delete "each February 1 and August 1".

Page 2, line 12, delete "." and insert ";

on the schedule specified in subsection (b).

- (b) Before August 2, 2009, the Indiana economic development corporation shall submit and publish an incentives and compliance report before February 1 and August 1 of each year that covers the six (6) month period that ends one (1) month before the report is due. After August 1, 2009, the Indiana economic development corporation shall submit and publish an incentives and compliance report before August 1 of each year that covers the twelve (12) month period that ends one (1) month before the report is due."
 - Page 2, line 14, delete "for the six (6) month".
- Page 2, line 15, delete "period that ends one (1) month before the report is due".
- Page 2, line 28, delete "or retained." and insert", retained, or trained.".
- Page 2, line 29, delete "Levels of compensation to" and insert "Average wage or compensation that will"
- Page 2, line 30, delete "or retained." and insert", retained, or trained.".
- Page 2, line 32, delete "or retained." and insert", **retained**, or **trained.**".

(Reference is to HB 1426 as printed February 2, 2007.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1242

Representative Mays called down Engrossed House Bill 1242 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Engrossed House Bill 1300

Representative Porter called down Engrossed House Bill 1300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, Sipes, Alting, and Skinner.

Engrossed House Bill 1338

Representative C. Brown called down Engrossed House Bill 1338 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Simpson.

Engrossed House Bill 1339

Representative C. Brown called down Engrossed House Bill 1339 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was reread a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1339–1)

Mr. Speaker: I move that Engrossed House Bill 1339 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, line 17, after "Except" insert "as provided in subsection (d) and except".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

- "(d) A statement described in subsection (b) may be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime if:
 - (1) the statement relates directly to the facts or immediate circumstances of a homicide;
 - (2) the statement reveals that the child may intend to commit a crime; or

(3) the child and the child's legal guardian have consented to the disclosure of the statement.".

Page 2, line 19, after "except" insert "as provided in subsection (d) and except".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

- "(d) A statement described in subsection (b) may be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime if:
 - (1) the statement relates directly to the facts or immediate circumstances of a homicide;
 - (2) the statement reveals that the child may intend to commit a crime; or
 - (3) the child and the child's legal guardian have consented to the disclosure of the statement.".

(Reference is to HB 1339 as printed February 2, 2007.)

C. BROW

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1339, begs leave to report that said bill has been amended as directed.

C. BROWN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 79: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Simpson.

Engrossed House Bill 1349

Representative Welch called down Engrossed House Bill 1349 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 86, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Mishler and Simpson.

Engrossed House Bill 1388

Representative Denbo called down Engrossed House Bill 1388 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 83, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Drozda and Simpson.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

Engrossed House Bill 1678

Representative C. Brown called down Engrossed House Bill 1678 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 82: yeas 60, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Simpson, Dillon, and Rogers.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1274, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-29-11-1, AS AMENDED BY P.L.174-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (c), and subject to subsection (d), the main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties, or a person that contracts with the main department, an office, an agency, or another person under whose supervision a law enforcement officer carries on the law enforcement officer's duties, may charge a fee that is fixed by ordinance of the fiscal body in an amount not less than five dollars (\$5) and not more than eight dollars (\$8) for each copy of a report.

- (b) The fee collected under subsection (a) or (c) shall be deposited in the following manner:
 - (1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.
 - (2) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.
 - (3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.
- (c) Subject to subsection (d), the superintendent of the state police department, or a person that enters into a contract with the state police department, may charge a fee in an amount that is not less than five dollars (\$5) and not more than eight dollars (\$8) for:
 - (1) each copy of a report; and
 - (2) the inspection and copying of other report related data maintained by the department.
- (d) A fee may not be charged under this section for the inspection of a report or other report related data. For purposes of this subsection, the inspection of a report includes the scanning of a report using a handheld or other personal scanning device."

Renumber all SECTIONS consecutively.

(Reference is to HB 1274 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1433, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"(b) A resolution described in subsection (a) must establish the maximum exemption that a taxpayer may receive under IC 6-1.1-10-44.".

Page 3, line 11, delete "(b)" and insert "(c)".

Page 3, line 15, delete "(c)" and insert "(d)".

Page 3, line 34, delete "(d)" and insert "(e)".

Page 3, line 35, delete "(c)," and insert "(d),".

Page 4, line 1, delete "(c)." and insert "(d).".

Page 8, line 11, delete "exempt" and insert "entitled to an exemption".

Page 8, line 12, after "article" insert "that does not exceed the maximum exemption established under IC 5-28-28-5(b),".

(Reference is to HB 1433 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

ORENTLICHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1471, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 2.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1488, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 4.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1538, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 5. IC 5-10.4-4-8, AS AMENDED BY P.L.119-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) This subsection applies to a member who retires before July 1, 1980. A member who had completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to credit for that service as if the

member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if before or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter.

- (b) This subsection applies to a member who retires after June 30, 1980. A member who completed four (4) years of approved college teacher education before voluntary or involuntary induction into military service is entitled to credit for the member's active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if the following conditions are met:
 - (1) The member has an honorable discharge.
 - (2) Except as provided in subsection (e), the member returns to active teaching service not later than eighteen (18) twenty-four (24) months after the completion of active military service.
 - (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

- (c) This subsection applies to a member who retires after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:
 - (1) The member has an honorable discharge.
 - (2) Except as provided in subsection (e), the member returns to a four (4) year approved college teacher training program not later than eighteen (18) twenty-four (24) months after the completion of active military service and subsequently completes that program.
 - (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

- (d) This subsection applies to a member who retires after May 1, 1991, and who is employed at a state institution of higher education. A member who had begun but had not completed baccalaureate or post-baccalaureate education before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:
 - (1) The member received an honorable discharge.
 - (2) Except as provided in subsection (e), the member returns to baccalaureate or post-baccalaureate education not later than eighteen (18) twenty-four (24) months after completion of active military service and subsequently completes that education.
 - (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of

military service credit may be granted under this subsection.

- (e) The board shall extend the eighteen (18) twenty-four (24) month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher education program not later than eighteen (18) twenty-four (24) months after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) thirty-six (36) months after the member's discharge.
- (f) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (e), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.
- (g) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.
- (h) Subject to this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:
 - (1) The member has at least one (1) year of credited service in the fund.
 - (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
 - (3) The member receives an honorable discharge from the armed services.
 - (4) Before the member retires, the member makes contributions to the fund as follows:
 - (A) Contributions that are equal to the product of:
 - (i) the member's salary at the time the member actually makes a contribution for the service credit; (ii) a rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and
 - (iii) the number of years of service credit the member intends to purchase.
 - (B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

- (i) The following apply to the purchase of service credit under subsection (h):
 - (1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

- (2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.
- (3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.
- (j) This subsection applies to a member who retires after June 30, 2006. A member may not receive credit under this section for service for which the member receives service credit under the terms of a military or another governmental retirement plan.".

Page 22, between lines 27 and 28, begin a new paragraph and

"SECTION 24. IC 10-17-12-9, AS ADDED BY P.L.58-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Donations to the fund.
- (3) Interest as provided in subsection (b).
- (4) Money transferred to the fund from other funds.
- (5) Annual supplemental fees collected under IC 9-29-5-38.5.
- (6) Money from any other source authorized or appropriated for the fund.
- (b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.
- (c) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.
- (d) There is annually appropriated to the department for the purposes of this chapter all money in the fund not otherwise appropriated to the department for the purposes of this chapter.
- (e) In addition to an appropriation made under subsection (a)(1), there is annually appropriated from the state general fund to the fund an amount equal to the lesser of the following:
 - (1) The sum of:
 - (A) donations described in subsection (a)(2); plus
 - (B) fees described in subsection (a)(5);

deposited during the immediately preceding fiscal year.

(2) Three hundred fifty thousand dollars (\$350,000).". Page 26, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 26. IC 14-8-2-148 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 148. "Law enforcement officer" has the following meanings:

- (1) For purposes of IC 14-15-8, the meaning set forth in IC 14-15-8-4.
- (2) For purposes of IC 14-22-11-5, the meaning set forth in IC 14-22-11-5(a).
- (2) (3) For purposes of IC 14-22-40, the meaning set forth in IC 14-22-40-5.

SECTION 27. IC 14-22-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this section, "law enforcement officer" means a:

- (1) state, city, or town police officer;
- (2) sheriff;
- (3) town marshal;
- (4) conservation officer; or
- (5) deputy of any person listed in subdivisions (1) through (4).
- (b) Notwithstanding subsection (c), the following individuals are not required to complete a hunter education course to obtain a hunting license:
 - (1) An active, reserve, or honorably discharged member of the:

- (A) United States Army;
- (B) United States Navy;
- (C) United States Air Force;
- (D) United States Coast Guard;
- (E) United States Marine Corps;
- (F) Indiana Army National Guard; or
- (G) Indiana Air National Guard.
- (2) A law enforcement officer who:
 - (A) is on active duty; or
 - (B) has honorably retired as a law enforcement officer after at least twenty (20) years of service.
- (a) (c) In addition to other requirements for obtaining a hunting license, a person born after December 31, 1986, must have successfully completed the course of instruction in hunter education offered by the department or the department's agent under IC 14-22-35.
- (b) (d) If an applicant for a hunting license who is subject to subsection (a) (c) requests that a hunter education course be offered in the applicant's county of residence, the department or the department's agent shall offer a hunting safety course under IC 14-22-35 in the applicant's county of residence not more than ninety-two (92) days after receiving a request.".

Page 28, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 29. IC 20-12-19.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 19.1. Resident Tuition for Active Duty Military Personnel

Sec. 1. As used in this chapter, "active duty" means full-time service in the armed forces of the United States that exceeds thirty (30) days in a calendar year.

Sec. 2. As used in this chapter, "armed forces of the United States" means any of the following:

- (1) The United States Air Force.
- (2) The United States Army.
- (3) The United States Coast Guard.
- (4) The United States Marine Corps.
- (5) The United States Navy.
- Sec. 3. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

Sec. 4. Notwithstanding any other statute, a person who:

- (1) is a nonresident of Indiana;
- (2) serves on active duty;
- (3) is stationed in Indiana; and
- (4) attends a state educational institution;

is eligible to pay the resident tuition rate determined by the state educational institution.".

Page 31, line 11, after "of the" insert "Indiana".

Page 31, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 32. IC 20-28-2-6, AS ADDED BY P.L.246-2005, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties set forth in IC 20-20-22 or this article, the advisory board may adopt rules under IC 4-22-2 to do the following:

- (1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.
- (2) Approve or disapprove teacher preparation programs.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing concerning new subjects of study.
- (7) Evaluate work experience and military service concerning higher education and experience equivalency.

- (8) Perform any other action that:
 - (A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and
 - (B) attracts qualified candidates for teacher education from among the high school graduates of Indiana.
- (9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.
- (b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.
- (c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.
- (d) The advisory board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana. Before publishing notice of the intent to adopt a permanent rule under IC 4-22-2, the advisory board must comply with subsection (c).

SECTION 33. IC 25-1-9-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

SECTION 35. IC 25-1-11-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate:
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.".

Page 31, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 37. [EFFECTIVE JULY 1, 2007] IC 5-10.4-4-8, as amended by this act, applies to members of the Indiana state teachers' retirement fund who retire after June 30, 2007.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1538 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to

which was referred House Bill 1608, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"(c) This chapter does not apply to a person who is subject to drug testing requirements under IC 8-2.1-24-18.".

Page 1, line 16, delete "who:" and insert "that:"

Page 2, between lines 3 and 4, begin a new paragraph and

"Section 5. As used in this chapter, "employee" means a person who is employed by a contractor at the worksite of a public works project.".

Page 2, line 4, delete "5." and insert "6.".

Page 2, line 7, delete "6." and insert "7.".
Page 2, line 9, delete "7." and insert "8."

Page 2, line 26, delete "8." and insert "9.".

Page 2, line 28, after "bid" insert ":

(1) a statement that the contractor has an existing drug testing program that complies with this chapter; or

(2) a statement that the contractor's drug testing program has been prequalified under subsection (d).".

Page 2, line 28, delete "a written plan for a program to test the contractor's".

Page 2, delete line 29.

Page 2, line 30, after "contractor" insert "that:

- (1) is not prequalified under subsection (d); or
- (2) that does not submit within three (3) days after the bid opening a written plan for an employee drug testing program that complies with this chapter.".

Page 2, delete lines 31 through 32.

Page 2, line 34, delete "shall be treated as having an employee drug testing".

Page 2, line 35, delete "program that".

Page 2, line 41, delete "9(a)(3)" and insert "10(a)(3)".

Page 3, line 14, after "section." insert "The contractor may use the employee drug testing program included in the collective bargaining agreement to test its own employees who are not members of the collective bargaining unit.

(d) An agency that has a prequalification process for contractors must require a contractor seeking a certificate of qualification to demonstrate that the contractor maintains an employee drug testing program that complies with this chapter.".

Page 3, line 15, delete "9." and insert "10.".

Page 4, line 10, before "The program" insert "In addition to the disciplinary measures in this section, the employee is not eligible for reinstatement to employment until the employee tests negative on a five (5) drug panel test certified by a medical review officer."

Page 4, line 23, delete "10." and insert "11.".

(Reference is to HB 1608 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1665, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1787, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-12-2-8, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Except as provided in subsection (b), An appointee to a library board may not serve more than four (4) consecutive terms on the library board. The consecutive terms are computed without regard to a change in the appointing authority that appointed the member or the length of any term served by the appointee. If:

(1) a member's term is interrupted due to the merger of at least two (2) public libraries under IC 36-12-4; and

(2) the member is reappointed to the merged public library board;

the term that was interrupted may not be considered in determining the number of consecutive terms a member may serve on a library board. until the appointee's successor is appointed and qualified.

(b) This subsection applies to a library board for a library district having a population of less than three thousand (3,000). If an appointing authority conducts a diligent but unsuccessful search for a qualified individual who wishes to be appointed to serve on the library board:

(1) the appointing authority may reappoint a board member who has served four (4) or more consecutive terms; and (2) state funds may not be withheld from distribution to the

The appointing authority shall file with the library board a written description of the search that was conducted under this subsection. The record becomes a part of the official records of the library board."

Page 2, line 8, delete "not".

Page 2, line 8, reset in roman "reduced fee or not charge a".

Page 2, line 9, delete "under subsection (c)".

Page 2, line 9, reset in roman "under subsection (c)"

Page 2, after line 18, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "department" refers to the department of education established by IC 20-19-3-1.

- (b) There is appropriated to the department three million dollars (\$3,000,000) from the state general fund for its use in providing school library printed materials grants to school corporations beginning July 1, 2007, and ending June 30, 2009.
- (c) The department shall administer the school library printed materials grants.
- (d) To be eligible for a school library printed materials grant, a school corporation must:
 - (1) apply to the department in the form and manner specified by the department; and
 - (2) provide money for library printed materials in an amount at least equal to the amount provided in the
- (e) The department shall determine the amount of the school library printed materials grant that each applicant receives.
 - (f) This SECTION expires July 1, 2009.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1787 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1813, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-29-5-2, AS AMENDED BY P.L.1-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The fee for the registration of a motorcycle is seventeen twenty-seven dollars (\$17). (\$27). The revenue from this fee shall be allocated as follows:

- (1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 20-30-13-11.
- (2) An amount prescribed as a license branch service charge under IC 9-29-3.
- (3) Ten dollars (\$10) to the spinal cord and brain injury fund under IC 16-41-42-4.
- (3) (4) The balance to the state general fund for credit to the motor vehicle highway account.".

Page 2, line 22, delete "and".

Page 2, between lines 22 and 23, begin a new line block indented and insert:

"(4) fees deposited in the fund under IC 9-29-5-2; and". Page 2, line 23, delete "(4)" and insert "(5)".

Page 3, line 5, delete "injuries." and insert "injuries related to the acute management and medical complications of spinal cord and head injuries and research related to neuronal recovery. Research must be conducted in compliance with all state and federal laws."

Page 3, line 13, delete "neurosurgeon holding a board" and insert "physician licensed under IC 25-22.5 who has specialty training in neuroscience and surgery."

Page 3, delete lines 14 through 15.

Page 3, line 35, delete "National Spinal Cord" and insert "Brain Injury Association of Indiana.".

Page 3, delete line 36.

Page 4, line 14, delete "meetings at the request of a" and insert "meetings.".

Page 4, delete line 15.

Page 6, between lines 10 and 11, begin a new line block indented and insert:

- "(18) A driving while a license is suspended fee (IC 33-27-5-32).
- (19) A driving while intoxicated and endangering a person fee (IC 33-37-5-33).
- (20) A disregard for stop sign fee (IC 33-37-5-34).
- (21) A disregard of traffic signal fee (IC 33-37-5-35).
- (22) A driving while intoxicated fee (IC 33-37-5-36).
- (23) A child restraint violation fee (IC 33-37-5-37).
- (24) A disregard of traffic control device fee (IC 33-37-5-38).
- (25) A prior operating under the influence fee (IC 33-37-5-39).
- (26) A following too closely fee (IC 33-37-5-40).
- (27) A reckless driving fee (IC 33-37-5-41).
- (28) An unsafe lane movement fee (IC 33-37-5-42).
- (29) A yield sign violation fee (IC 33-37-5-43).
- (30) An improper turn at intersection fee (IC 33-37-5-44).
- (31) A driving left of center fee (IC 33-37-5-45).
- (32) An offense relating to controlled substances while using a motor vehicle fee (IC 33-37-5-46).
- (33) A passing in a no passing zone fee (IC 33-37-5-47).
- (34) A driving on the wrong side of the road fee

(IC 33-37-5-48).

- (35) A driving the wrong way on a one-way road fee (IC 33-37-5-49).
- (36) An improper passing fee (IC 33-37-5-50).
- (37) An open container fee (IC 33-37-5-51).
- (38) An improper passing to the left of the center line fee (IC 33-37-5-52).
- (39) An operating a vehicle with a controlled substance fee (IC 33-37-5-53).
- (40) An operating a vehicle while intoxicated resulting in injury fee (IC 33-37-5-54).
- (41) A failure to stop at an accident fee (IC 33-37-5-55).
- (42) A zero tolerance for individuals under the age of twenty-one (21) who drive under the influence fee (IC 33-37-5-56)."

Page 7, line 5, delete "twenty-three dollars" and insert "eighteen dollars (\$18)".

Page 7, line 6, delete "(\$23)".

Page 7, line 12, delete "twenty-three dollars (\$23)" and insert "eighteen dollars (\$18)".

Page 7, between lines 13 and 14 begin a new paragraph and insert:

"SECTION 9. IC 33-37-5-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 32. (a) This section applies to infractions committed under IC 9-24-19-1.**

(b) The clerk shall collect a driving while a license is suspended fee of eighteen dollars (\$18) for each infraction committed under IC 9-24-19-1.

SECTION 10. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33. (a) This section applies to misdemeanors committed under IC 9-30-5-2.

(b) The clerk shall collect a driving while intoxicated and endangering a person fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-2.

SECTION 11. IC 33-37-5-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34. (a) This section applies to infractions committed under IC 9-21-8-32.

(b) The clerk shall collect a disregard for stop sign fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-32.

SECTION 12. IC 33-37-5-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 35. (a) This section applies to infractions committed under IC 9-21-3-7.**

(b) The clerk shall collect a disregard of traffic signal fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-3-7.

SECTION 13.IC 33-37-5-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 36. (a) This section applies to misdemeanors committed under IC 9-30-5-1.

(b) The clerk shall collect a driving while intoxicated fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-1.

SECTION 14. IC 33-37-5-37 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 37.** (a) This section applies to infractions committed under IC 9-19-11-2.

(b) The clerk shall collect a child restraint violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-19-11-2.

SECTION 15. IC 33-37-5-38 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 38. (a) This section applies to infractions committed under IC 9-21-8-41.**

(b) The clerk shall collect a disregard of traffic control device fee of eighteen dollars (\$18) for each infraction

committed under IC 9-21-8-41.

SECTION 16. IC 33-37-5-39 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 39. (a) This section applies to felonies committed under IC 9-30-5-3.

(b) The clerk shall collect a prior operating while intoxicated fee of eighteen dollars (\$18) for each felony committed under IC 9-30-5-3.

SECTION 17. IC 33-37-5-40 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 40. (a) This section applies to infractions committed under IC 9-21-8-14.

(b) The clerk shall collect a following too closely fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-14.

SECTION 18. IC 33-37-5-41 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 41. (a) This section applies to misdemeanors committed under IC 9-21-8-52.**

(b) The clerk shall collect a reckless driving fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-21-8-52.

SECTION 19. IC 33-37-5-42 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 42. (a) This section applies to infractions committed under IC 9-21-8-11.**

(b) The clerk shall collect an unsafe lane movement fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-11.

SECTION 20. IC 33-37-5-43 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 43. (a) This section applies to infractions committed under IC 9-21-8-30.

(b) The clerk shall collect a yield sign violation fee for each infraction committed under IC 9-21-8-30.

SECTION 21. IC 33-37-5-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44. (a) This section applies to infractions committed under IC 9-21-8-21.

(b) The clerk shall collect an improper turn at intersection fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-21.

SECTION 22. IC 33-37-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 45. (a) This section applies to infractions committed under IC 9-21-8-4.**

(b) The clerk shall collect a driving left of center fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-4.

SECTION 23. IC 33-37-5-46 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 46. (a) This section applies to misdemeanors and felonies under IC 35-48-4-15.**

(b) The clerk shall collect an offense relating to controlled substances while using a motor vehicle fee of eighteen dollars (\$18) for each misdemeanor committed under IC 35-48-4-15.

SECTION 24. IC 33-37-5-47 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 47. (a) This section applies to infractions committed under IC 9-21-4-12.**

(b) The clerk shall collect a passing in a no passing zone fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-4-12.

SECTION 25. IC 33-37-5-48 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 48. (a) This section applies to infractions committed under IC 9-21-8-2.**

(b) The clerk shall collect a driving on the wrong side of the road fee of eighteen dollars (\$18) for each infraction

committed under IC 9-21-8-2.

SECTION 26. IC 33-37-5-49 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 49. (a) This section applies to infractions committed under IC 9-21-8-9.

(b) The clerk shall collect a driving the wrong way on a one-way road fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-9.

SECTION 27. IC 33-37-5-50 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 50. (a) This section applies to infractions committed under IC 9-21-8-5.

(b) The clerk shall collect an improper passing fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-5.

SECTION 28. IC 33-37-5-51 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 51. (a) This section applies to infractions committed under IC 9-30-15-3.

(b) The clerk shall collect an open container fee of eighteen dollars (\$18) for each infraction committed under IC 9-30-15-3.

SECTION 29. IC 33-37-5-52 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 52. (a) This section applies to infractions committed under IC 9-21-8-7.

(b) The clerk shall collect an improper passing to the left of the center line fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-7.

SECTION 30. IC 33-37-5-53 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 53. (a) This section applies to misdemeanors committed under IC 9-30-5-1(c).

(b) The clerk shall collect an operating a vehicle with a controlled substance fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-1(c).

SECTION 31. IC 33-37-5-54 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 54. (a) This section applies to felonies committed under IC 9-30-5-4.

(b) The clerk shall collect an operating a vehicle while intoxicated resulting in injury fee of eighteen dollars (\$18) for each felony committed under IC 9-30-5-4.

SECTION 32. IC 33-37-5-55 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 55. (a) This section applies to misdemeanors and felonies committed under IC 9-26-1-1(1).

(b) The clerk shall collect a failure to stop at an accident fee of eighteen dollars (\$18) for each misdemeanor or felony committed under IC 9-26-1-1(1).

SECTION 33. IC 33-37-5-56 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 56. (a) This section applies to infractions committed under IC 9-30-5-8.5.

(b) The clerk shall collect a zero tolerance for individuals under the age of twenty-one (21) who drive under the influence fee of eighteen dollars (\$18) for each infraction committed under IC 9-30-5-8.5.".

Page 10, line 10, delete "and".

Page 10, between lines 11 and 12, begin a new line block indented and insert:

- "(3) a driving while a license is suspended fee under IC 33-37-5-32;
- (4) a driving while intoxicated and endangering a person fee under IC 33-37-5-33;
- (5) a disregard for stop sign fee under IC 33-37-5-34;
- (6) a disregard of traffic signal fee under IC 33-37-5-35;

(7) a driving while intoxicated fee under IC 33-37-5-36;

(8) a child restraint violation fee under IC 33-37-5-37;

- (9) a disregard of traffic control device fee under IC 33-37-5-38;
- (10) a prior operating while intoxicated fee under IC 33-37-5-39;
- (11) a following too closely fee under IC 33-37-5-40;
- (12) a reckless driving fee under IC 33-37-5-41;
- (13) an unsafe lane movement fee under IC 33-37-5-42;
- (14) a yield sign violation fee under IC 33-37-5-43;
- (15) an improper turn at intersection fee under IC 33-37-5-44;
- (16) a driving left of center fee under IC 33-37-5-45;
- (17) an offense relating to controlled substances while using a motor vehicle fee under IC 33-37-5-46;
- (18) a passing in a no passing zone fee under IC 33-37-5-47;
- (19) a driving on the wrong side of the road fee under IC 33-37-5-48;
- (20) a driving the wrong way on a one-way road fee IC 33-37-5-49;
- (21) an improper passing fee under IC 33-37-5-50;
- (22) an open container fee under IC 33-37-5-51;
- (23) an improper passing to the left of the center line fee under IC 33-37-5-52;
- (24) an operating a vehicle with a controlled substance fee under IC 33-37-5-53;
- (25) an operating a vehicle while intoxicated resulting in injury fee under IC 33-37-5-54;
- (26) a failure to stop at an accident fee under IC 33-37-5-55; and
- (27) a zero tolerance for individuals under the age of twenty-one (21) who drive under the influence fee under IC 33-37-5-56;".

Renumber all SECTIONS consecutively.

(Reference is to HB 1813 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

C. BROWN, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 18 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 18

The Speaker handed down Senate Concurrent Resolution 18, sponsored by Representatives Friend, Gutwein, Duncan, and Thomas:

A CONCURRENT RESOLUTION honoring Pike Lumber on receiving the 2006 Forest Stewardship Award.

Whereas, Pike Lumber received the highly coveted 2006 Forest Stewardship Award at the conclusion of the National Hardwood Lumber Association's convention in San Antonio, Texas;

Whereas, Pike Lumber is one of Indiana's largest hardwood lumber companies with plants in Akron and Carbon and satellite offices in Auburn and Batesville, Indiana;

Whereas, Pike Lumber and company president, James Mulligan, employ some 180 Hoosiers, including 20 foresters. The company now owns more than 100 tracts of forest land and manages thousands of acres for private owners;

Whereas, Pike Lumber partners with educational institutions, including Purdue University's Department of Forest and Natural Resources, on programs fostering public forest education and research;

Whereas, James Steen, Vice President and manager of Pike Lumber's facility in Carbon, Indiana, worked with Senator Weatherwax and others to pass the toughest Right to Practice Forestry Bill in the United States;

Whereas, Pike Lumber employees donate countless hours to educate non-industrial private forest land owners about forest management and forest stewardship. Many of these employees also joined the Akron Lions Club to help plant nearly 500 trees throughout Akron, Indiana;

Whereas, Pike Lumber practices sustainable forestry, harvesting no more volume than is grown in any ten-year period. The company protects special trees of high quality and exceptional characteristics to provide a seed source for future generations;

Whereas, Pike Lumber crews leave the forest in a better condition than they found it by creating openings for growth that stimulate a forest's regeneration; and

Whereas, Pike Lumber's achievements in public education regarding forest stewardship, political involvement, exemplary forest management practices and efficient utilization of forest resources are commendable and deserve recognition: Therefore,

> Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the General Assembly of the State of Indiana recognizes and honors Pike Lumber on receiving the National Forest Stewardship Award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Pike Lumber Company President, James Mulligan; Executive Vice President, John Brown; and Vice President, James Steen.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1288, 1305, 1359, 1433, 1471, 1488, 1538, 1787, and 1813 had been referred to the Committee on Ways and Means.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1242, Roll Call 76, on February 8, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but I failed to register my vote. I intended to vote yeas."

T. HARRIS

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to

change my voting record on the third reading of Engrossed House Bill 1242, Roll Call 76, on February 8, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but failed to vote. I intended to vote yea."

TORR

There being a constitutional majority voting in favor of the petition, the petition was adopted. [Journal Clerk's note: adoption of the petitions of Representative T. Harris and Torr changes the vote tally for Roll Call 76 to 95 yeas, 0 nays.]

HOUSE MOTION

Mr. Speaker: I move that Representatives Cheney and Tyler be added as coauthors of House Bill 1100.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be removed as author of House Bill 1116, Representative Cheatham be substituted as author, Representative Duncan be added as coauthor.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be added as coauthor of House Bill 1243.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hinkle be added as coauthor of House Bill 1306.

CHEATHAM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ulmer be added as coauthor of House Bill 1322.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Crooks and Ulmer be added as coauthors of House Bill 1496.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Knollman be added as coauthor of House Bill 1546.

GIA QUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buell be added as coauthor of House Bill 1656.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1665.

GIA QUINTA

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Cheney, the House adjourned at 3:25 p.m., this eighth day of February, 2007, until Monday, February 12, 2007, at 1:30 p.m.

B. PATRICK BAUER Speaker of the House of Representatives

CLINTON McKAY Principal Clerk of the House of Representatives